

to modify provisions relating to the National Fund for Excellence in American Indian Education.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Indian Affairs with an amendment.

[Strike the part shown in black brackets and insert the part shown in italic.]

S. 1231

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

[Indian Education Amendments Act of 2005].

#### **SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.**

[Section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—

“(1) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:

“(1) IN GENERAL.—The officers of the Foundation shall be—

“(A) a chief operating officer, to be appointed in accordance with paragraph (2); and

“(B) any other officers, to be appointed or elected in accordance with the constitution and bylaws of the Foundation.

“(2) CHIEF OPERATING OFFICER.—

“(A) APPOINTMENT.—The Board shall appoint a chief operating officer to the Foundation.

“(B) REQUIREMENTS.—The chief operating officer of the Foundation shall—

“(i) demonstrate experience and knowledge in matters relating to—

“(I) education, in general; and

“(II) education of Indians, in particular; and

“(ii) serve at the direction of the Board.”;

“(2) by adding at the end the following:

“(o) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2007 through 2009.

“(2) EFFECT ON OTHER FUNDS.—Funds appropriated under paragraph (1) shall not reduce the amount of funds available for any other program relating to Indian education.”.

#### **SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.**

[Section 502 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb-1) is amended—

“(1) in subsection (a), by striking paragraph (2) and inserting the following:

“(2) may provide funds—

“(A) to pay the operating costs of the Foundation; and

“(B) to reimburse travel expenses of a member of the Board under section 501; and”;

“(2) in subsection (b), by inserting “operating and” before “travel expenses”.]

#### **SECTION 1. SHORT TITLE.**

*This Act may be cited as the “National Fund for Excellence in American Indian Education Amendments Act of 2005”.*

#### **SEC. 2. NATIONAL FUND FOR EXCELLENCE IN AMERICAN INDIAN EDUCATION.**

*Section 501 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb) is amended—*

*(1) in subsection (g), by striking paragraphs (1) and (2) and inserting the following:*

*“(1) IN GENERAL.—The officers of the Foundation shall be—*

*“(A) a chief operating officer, to be appointed in accordance with paragraph (2); and*

*“(B) any other officers, to be appointed or elected in accordance with the constitution and bylaws of the Foundation.*

*“(2) CHIEF OPERATING OFFICER.—*

*“(A) APPOINTMENT.—The Board shall appoint a chief operating officer to the Foundation.*

*“(B) REQUIREMENTS.—The chief operating officer of the Foundation shall—*

*“(i) demonstrate experience and knowledge in matters relating to—*

*“(I) education, in general; and*

*“(II) education of Indians, in particular; and*

*“(ii) serve at the direction of the Board.”;*

*(2) in subsection (l)(1), by striking “Beginning with” and all that follows through subparagraph (B) and inserting the following: “For each fiscal year following the first fiscal year during which the Foundation is in operation, the administrative costs of the Foundation shall not exceed—*

*“(A) for the first fiscal year, an amount equal to 20 percent of the sum of—*

*“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and*

*“(ii) donations received from private sources during the preceding fiscal year; and*

*“(B) for the second fiscal year, an amount equal to 15 percent of the sum of—*

*“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and*

*“(ii) donations received from private sources during the preceding fiscal year; and*

*“(C) for the third fiscal year, and each fiscal year thereafter, an amount equal to 10 percent of the sum of—*

*“(i) the amounts transferred to the Foundation under subsection (m) during the preceding fiscal year; and*

*“(ii) donations received from private sources during the preceding fiscal year.”;*

*(3) by adding at the end the following:*

*“(o) AUTHORIZATION OF APPROPRIATIONS.—*

*“(1) IN GENERAL.—There is authorized to be appropriated to carry out this section \$5,000,000 for each of fiscal years 2007 through 2009.*

*“(2) EFFECT ON OTHER FUNDS.—Funds appropriated under paragraph (1) shall not reduce the amount of funds available for any other program relating to Indian education.”.*

#### **SEC. 3. ADMINISTRATIVE SERVICES AND SUPPORT.**

*Section 502 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 458bbb-1) is amended—*

*(1) in subsection (a), by striking paragraph (2) and inserting the following:*

*“(2) may provide funds—*

*“(A) to pay the operating costs of the Foundation; and*

*“(B) to reimburse travel expenses of a member of the Board under section 501; and”;*

*(2) in subsection (b)—*

*(A) in the subsection heading, by striking “REIMBURSEMENT” and inserting “REIMBURSEMENT”;*

*(B) by inserting “operating and” before “travel expenses”.*

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the committee-reported substitute be agreed to; the bill, as amended, be read the third time and passed; the motions to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment in the nature of a substitute was agreed to.

The bill (S. 1231), as amended, was read the third time and passed.

#### **NATIONAL INDIAN GAMING COMMISSION ACCOUNTABILITY ACT OF 2005**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 193, S. 1295.

The PRESIDING OFFICER. The clerk will report the bill by title.

The bill clerk read as follows:

A bill (S. 1295) to amend the Indian Gaming Regulatory Act to provide for accountability and funding of the National Indian Gaming Commission.

There being no objection, the Senate proceeded to consider the bill.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the bill be read a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1295) was read the third time and passed, as follows:

S. 1295

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the “National Indian Gaming Commission Accountability Act of 2005”.

#### **SEC. 2. COMMISSION ACCOUNTABILITY AND FUNDING.**

(a) POWERS OF THE COMMISSION.—Section 7 of the Indian Gaming Regulatory Act (25 U.S.C. 2706) is amended by adding at the end the following:

“(d) APPLICATION OF GOVERNMENT PERFORMANCE AND RESULTS ACT.—

“(1) IN GENERAL.—In carrying out any action under this Act, the Commission shall be subject to the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285).

“(2) PLANS.—In addition to any plan required under the Government Performance and Results Act of 1993 (Public Law 103-62; 107 Stat. 285), the Commission shall submit a plan to provide technical assistance to tribal gaming operations in accordance with that Act.”.

(b) COMMISSION FUNDING.—Section 18(a)(2) of the Indian Gaming Regulatory Act (25 U.S.C. 2717(a)(2)) is amended by striking subparagraph (B) and inserting the following:

“(B) The total amount of all fees imposed during any fiscal year under the schedule established under paragraph (1) shall not exceed 0.080 percent of the gross gaming revenues of all gaming operations subject to regulation under this Act.”.

#### **UNANIMOUS-CONSENT AGREEMENT—H.R. 4340**

Mr. MCCONNELL. Mr. President, I ask unanimous consent that at a time to be determined by the majority leader, in consultation with the Democratic leader, the Senate proceed to the immediate consideration of H.R. 4340, the Bahrain Free Trade Agreement. I ask unanimous consent that there be 60 minutes of debate, with 20 minutes under the control of Senator DORGAN and 40 minutes equally divided between the majority and the minority, and that following the use or yielding back

of time, the bill be read a third time and the Senate proceed to a vote on passage at a time to be determined by the majority leader in consultation with the Democratic leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION ACT OF 2005

Mr. MCCONNELL. Mr. President, I ask that the Chair lay before the Senate a House message to accompany S. 1281.

The Chair laid before the Senate a message from the House of Representatives insisting upon its amendment to the bill (S. 1281) entitled "An Act to authorize appropriations for the National Aeronautics and Space Administration for science, aeronautics, exploration, exploration capabilities, and the Inspector General, and for other purposes, for fiscal years 2006, 2007, 2008, 2009, and 2010", and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate disagree with the House amendment and agree with the request for a conference. I further ask that the Chair be authorized to appoint conferees on the part of the Senate with a ratio of 3 to 2.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. SUNUNU) appointed Mr. STEVENS, Mr. LOTT, Mrs. HUTCHISON, Mr. INOUE, and Mr. NELSON of Florida conferees on the part of the Senate.

#### MEASURES READ THE FIRST TIME—H.R. 4096, H.R. 4388 and H.R. 4440

Mr. MCCONNELL. I understand there are three bills at the desk and I ask for their first reading en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the bills by title.

The bill clerk read as follows:

A bill (H.R. 4096) to amend the Internal Revenue Code of 1986 to extend to 2006 the alternative minimum tax relief available in 2005 and to index such relief for inflation.

A bill (H.R. 4388) to amend the Internal Revenue Code of 1986 to extend certain expiring provisions, and for other purposes.

A bill (H.R. 4440) to amend the Internal Revenue Code of 1986 to provide tax benefits for the Gulf Opportunity Zone and certain areas affected by Hurricanes Rita and Wilma, and for other purposes.

Mr. MCCONNELL. I ask for second readings and in order to place the bills on the calendar under the provisions of rule XIV, I object to my own request, all en bloc.

The PRESIDING OFFICER. The objection is heard. The measures will be read again on the next legislative day.

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#### APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the majority leader, pursuant to Public Law 108-109, title VI, section 637, appoints the following individual to serve as a member of the Helping to Enhance the Livelihood of People (HELP) Around the Globe Commission: Jerome F. Climer of Virginia.

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#### ORDERS FOR TUESDAY, DECEMBER 13, 2005

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the

Senate completes its business today, it stand in adjournment until 11 a.m. tomorrow, Tuesday, December 13. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate proceed to a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

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#### PROGRAM

Mr. MCCONNELL. Tomorrow the Senate will debate the Bahrain Free Trade Agreement under the previous order. The Senate will also begin debate on the motions to instruct conferees with respect to the deficit reduction bill. Members are reminded that we will have stacked votes on Wednesday morning and they should plan their schedules accordingly. We have a lot of work to finish this week and we will need the cooperation and patience of all Members to complete our work before Christmas.

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#### ADJOURNMENT UNTIL 11 A.M. TOMORROW

Mr. MCCONNELL. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the provisions of S. Res. 330 as a further mark of respect to the late Senator McCarthy.

There being no objection, the Senate, at 5:41 p.m., adjourned until Tuesday, December 13, 2005, at 11 a.m.